THE PRESIDENCY-TOWNS INSOLVENCY (BOMBAY AMENDMENT) ACT, 1948.

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BOMBAY ACT No. LI OF 1948.[1]

[THE PRESIDENCY-TOWNS INSOLVENCY (BOMBAY AMENDMENT) ACT, 1948.]

[*22nd October 1948.*]

An Act to amend the Presidency-towns Insolvency Act, 1909, in its application to the Province of Bombay.

III of 1909. WHEREAS it is expedient to amend the Presidency-towns Insolvency Act, 1909, in its application to the Province of Bombay, for the purposes hereinafter appearing ; It is hereby enacted as follows :—

1. This Act may be called the Presidency-towns Insolvency (Bombay Amendment) Act, 1948. Short title.

III of 1909. **2.** In the Presidency-towns Insolvency Act, 1909,— Amendment of Act III of 1909.

(*a*) for clause (*i*) of section 9, the following shall be substituted, namely :—

" (i) if, after a creditor has served an insolvency notice on him under this Act in respect of a decree or an order for the payment of any amount due to such creditor, the execution of which is not stayed, he does not, within the period specified in the notice which shall not be less than one month, either comply with the requirements of the notice or satisfy the Court that he has a counter claim or set off which equals or exceeds the decretal amount or the amount ordered to be paid by him and which he could not lawfully set up in the suit or proceeding in which the decree or order was made against him.";

(*b*) in sub-section (*1*) of section 9A, after the words " or his agent " the words, " or to satisfy the Court that he has a counter claim orset off which equals or exceeds the decretal amount or the amount ordered to be paid by him and which he could not lawfully set up in the suit or proceeding in which the decree or order was made against him " shall be inserted.

3. The amendments made by this Act shall be deemed to have been made with effect from the 19th day of June 1939 and notwithstanding any judgment of any Court or anything contained in any law,— Validation of certain rules and notices.

III of 1909. (*a*) the rules including the forms relating to insolvency notices made by the High Court under the Presidency-towns Insolvency Act, 1909, before the 14th day of June 1948, shall be deemed to have been made under the said Act as amended to have been matle under the said Act as amended by this Act, and

(*b*) no insolvency notice issued under any of the said rules and no order of adjudication made for non-compliance with any such notice made before the 14th day of June 1948 shall be called in question in any Court on the ground merely that any of the rules under which or the form in which the notice was issued was not authorised by the provisions of the said Act.

Bom. Ordinance No. III of 1948. **4.** The Presidency-towns Insolvency (Bombay Amendment) Ordinance, 1948, is hereby repealed. Repeal of Bom. Ordinance No. III of 1948.

[1] For Statement of Objects and Reasons, *see Bombay Government Gazette*, 1948, Part V, page 387.